



*JFW*

PTO/SB/21 (09-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                               |
|------------------------|-------------------------------|
| Application Number     | 10/798,932                    |
| Filing Date            | March 11, 2004                |
| First Named Inventor   | Scott Arthur William Muirhead |
| Art Unit               | 3637                          |
| Examiner Name          | Jose V. Chen                  |
| Attorney Docket Number | 9085                          |

### ENCLOSURES (Check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return Receipt Index Card |
|---|--|---|

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                      |          |        |
|--------------|----------------------|----------|--------|
| Firm Name    | Price & Adams        |          |        |
| Signature    | <i>John M. Adams</i> |          |        |
| Printed name | John M. Adams        |          |        |
| Date         | February 2, 2007     | Reg. No. | 26,697 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                      |      |                  |
|-----------------------|----------------------|------|------------------|
| Signature             | <i>John M. Adams</i> |      |                  |
| Typed or printed name | John M. Adams        | Date | February 2, 2007 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NEXTREME  
9085



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Jose V. Chen  
Group Art Unit: 3637  
Application No.: 10/798,932  
Filed: March 11, 2004  
Applicant: Scott Arthur William Muirhead  
Title: THERMOFORMED PLATFORM

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please enter the enclosed Information Disclosure Statement in the file of the above-identified application.

REMARKS

The instant application is a continuation of U.S. Patent application Serial No. 09/803,681, filed on March 12, 2001, now U.S. Patent No. 6,718,888, issued on April 13, 2004. U.S. Patent application Serial No. 09/803,681 claims the benefit of U.S. Provisional Application No. 60/196,127, filed on Apr. 11, 2000.

The following references were cited by the examiner in prior application Serial No. 09/803,681. As understood, under 37 C.F.R. 1.98, copies of the following patents are not required to

be provided as they were made of record in the prior application  
Serial No. 09/803,681.

U.S. Patent Documents

|           |                           |
|-----------|---------------------------|
| 3,695,188 | Granatstein               |
| 3,719,157 | Arcocha et al.            |
| 3,757,704 | Allgeyer et al.           |
| 4,220,100 | Palomo et al.             |
| 4,606,278 | Shuert                    |
| 4,879,956 | Shuert                    |
| 5,205,221 | Melin et al.              |
| 5,391,251 | Shuert                    |
| 5,555,820 | Shuert                    |
| 5,566,624 | Brown et al.              |
| 5,806,436 | Weichenrieder, Sr. et al. |
| 5,845,588 | Gronnevik                 |
| 6,357,366 | Frankenberg               |
| 6,389,990 | Apps                      |
| 6,458,232 | Valentinsson              |

Foreign Patent Documents

|           |        |
|-----------|--------|
| EP0400640 | Europe |
|-----------|--------|

The following patents and publications were disclosed  
in the application. As understood, under 37 C.F.R. 1.98, copies  
of the patents and publications are not required to be provided  
as they were made of record in the prior application Serial No.  
09/803,681.

U.S. Patent Documents

|           |                    |
|-----------|--------------------|
| 3,810,862 | Mathis et al.      |
| 4,428,306 | Dresen et al.      |
| 5,117,762 | Shuert             |
| 5,143,778 | Shuert             |
| 5,197,395 | Pigott et al.      |
| 5,356,983 | Vijayendran et al. |
| 5,401,347 | Shuert             |
| 5,404,829 | Shuert             |
| 5,408,937 | Knight, IV et al.  |
| 5,413,052 | Breezer et al.     |
| 5,638,760 | Jordan et al.      |
| 5,648,031 | Sturtevant et al.  |
| 5,676,064 | Shuert             |
| 5,728,424 | Walling            |
| 5,758,855 | Jordan et al.      |
| 5,834,535 | Abu-Isa et al.     |
| 5,924,589 | Gordon             |
| 5,946,878 | Grund et al.       |
| 5,984,126 | Gordon             |
| 5,989,706 | McGinniss et al.   |
| 6,021,721 | Rushton            |
| 6,029,583 | LeTrudet           |
| 6,095,787 | Bills, Sr.         |
| 6,109,190 | Hale et al.        |
| 6,110,559 | De Keyser          |

Publications

Extreme™ Pallet, General Electric Company Publication brochure  
GID-PAL-120 2 pages.

On December 1, 2006, Applicant filed a request for continued examination ("RCE"). The following patent was identified as having claimed interfering subject matter.

U.S. Patent Documents

6,758,148          Torrey

The following patent publication was also brought to the attention of the examiner.

U.S. Patent Documents

2006/0011108      Abu-Isa et al.

In accordance with 37 C.F.R. § 1.97, the following patents are brought to the attention of the examiner:

U.S. Patent Documents

5,687,532          Torrey  
6,184,269          Abu-Isa et al  
6,784,234          Adedeji et al  
2005/0004281      Adedeji et al  
2006/0236903      Moore

### Foreign Patent Documents

DE 10024421      Germany

### Publications

Brindley, Chaille, "Going Up In Smoke", Industrial Reporting, Inc., October 1, 2001.

Catastrophic Fire Prevention Task Force, Progress Report on Appropriate Use of Plastic Pallets, undated publication, p. 1-2.

Electronics Industry Pallet Specification Draft Updated September 6, 2001, p. 8.

English language version of the abstract for German Patent Document No. DE10024421 downloaded from [www.espacenet.com](http://www.espacenet.com) on February 2, 2007.

Witt, Clyde E., "Jumping Through Plastic Hoops of Fire", Material Handling Management, October 2002.

The relevance of the above-identified patents and publications is discussed below.

U.S. Patent No. 5,687,532 discloses an intumescent filler to fill void in extruded door frames.

U.S. Patent No. 6,184,269 discloses a halogenated intumescent polymer.

U.S. Patent No. 6,784,234 and U.S. Patent Publication No. 2005/0004281 disclose injection molded pallets that pass UL 2335 using GE engineering grade materials.

U.S. Patent Publication No. 2006/0236903 discloses a

polyolefin containing between 5%-20% intumescent graphite.

German Patent Document No. DE10024421 discloses a mixture that includes: (a) a copolymer of ethylene, vinyl acetate and optionally other monomer(s), with a vinyl acetate content of 40-85 wt.%; (b) acidic or neutralized expandable graphite; (c) mineral filler(s); and (d) optional additives.

The Brindley publication states that plastic has 2.5 to 3 times the potential heat energy of wood. The publication also indicates that plastic can cause a bigger fire than wood and that plastic pallets require more fire protection than wood.

The Catastrophic Fire Prevention Task Force discloses that plastic pallets are made from highly-flammable polyolefin plastics. The publication also quotes a materials handling industry publication that states "[l]iterally, the hottest issue for plastic pallet manufacturers has become fire safety."

The Electronics Industry Pallet Specification Draft publication discloses that wooden pallet manufacturers should avoid the use of halogenated materials.

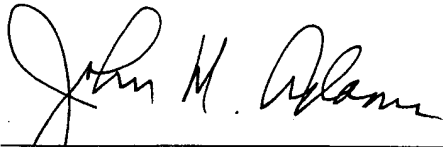
The Witt publication states quotes an UL representative as stating that buying a pallet made of fire retardant material is not the same as buying a fire-retardant pallet.

Applicant submits that there is no fee associated with the filing of the instant Information Disclosure Statement, as it was filed before the mailing of the first Office action after the filing of a request for continued examination. See 37 C.F.R. § 1.97(b)(4).

It is submitted that the above-enumerated references,

taken singly or in any combination, do not disclose or suggest the elements as defined by Applicant's claims 11-27. Accordingly, allowance of claims 11-27 over the above-identified references is respectfully requested.

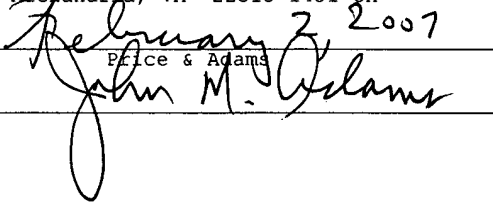
Respectfully submitted,

  
\_\_\_\_\_  
John M. Adams  
Attorney for Applicant

Price & Adams  
4135 Brownsville Road  
P.O. Box 98127  
Pittsburgh, PA 15227-0127

Phone: (412) 882-7170  
Fax: (412) 884-6650

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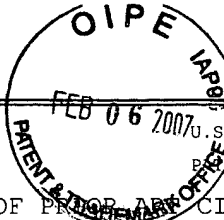
  
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Price & Adams  
John M. Adams

February 2, 2007



FORM PTO-1449

(Rev. 7-80)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 9085

SERIAL NO. 10/798,932

APPLICANT

Scott Arthur William Muirhead

LIST OF PRIOR ART CITED BY APPLICANT

FILING DATE March 11, 2004 GROUP 3637

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE     | NAME            | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|----------|-----------------|-------|----------|-------------------------------|
| AA                  | 3,695,188       | 10/3/72  | Granatstein     | 108   | 58       | 5/28/71                       |
| AB                  | 3,719,157       | 3/6/73   | Arcocha et al.  | 108   | 51       | 9/21/70                       |
| AC                  | 3,757,704       | 9/11/73  | Allgeyer et al. | 108   | 51       | 6/21/72                       |
| AD                  | 3,810,862       | 5/14/74  | Mathis et al.   | 260   | 42.45    | 2/14/72                       |
| AE                  | 4,220,100       | 9/2/80   | Palomo et al.   | 108   | 51.1     | 2/28/79                       |
| AF                  | 4,428,306       | 1/31/84  | Dresen et al.   | 108   | 53.3     | 10/9/81                       |
| AG                  | 4,606,278       | 8/19/86  | Shuert          | 108   | 51.1     | 9/28/84                       |
| AH                  | 4,879,956       | 11/14/89 | Shuert          | 108   | 53.3     | 1/14/88                       |
| AI                  | 5,117,762       | 6/2/92   | Shuert          | 108   | 51.1     | 3/12/91                       |
| AJ                  | 5,143,778       | 9/1/92   | Shuert          | 428   | 213      | 10/31/90                      |
| AK                  | 5,197,395       | 3/30/93  | Pigott et al.   | 108   | 56.1     | 1/23/91                       |

## FOREIGN PATENT DOCUMENTS

|    | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|----|-----------------|------|---------|-------|----------|-----------------------|
| AL | DE10024421      |      | Germany |       |          |                       |
| AM | EP0400640       |      | Europe  |       |          |                       |
| AN |                 |      |         |       |          |                       |
| AO |                 |      |         |       |          |                       |
| AP |                 |      |         |       |          |                       |

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |  |  |
|----|--|--|
| AR |  | Brindley, Chaille, "Going Up In Smoke", Industrial Reporting, Inc., October 1, 2001.   |
| AS |  | Catastrophic Fire Prevention Task Force, Progress Report on Appropriate Use of Plastic Pallets, undated publication, p. 1-2. |
| AT |  | Electronics Industry Pallet Specification Draft Updated September 6, 2001, p. 8.   |

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FORM **PTO-1449**

U.S. DEPARTMENT OF COMMERCE

ATTY. DOCKET NO. 9085SERIAL NO. 10/798,932

(Rev. 7-80)

PATENT AND TRADEMARK OFFICE

APPLICANT

Scott Arthur William Muirhead

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FILING DATE March 11, 2004 GROUP 3637

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## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE     | NAME               | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|----------|--------------------|-------|----------|-------------------------------|
| BA                  | 5,205,221       | 4/27/93  | Melin et al.       | 108   | 51.3     | 5/22/90                       |
| BB                  | 5,356,983       | 10/18/94 | Vijayendran et al. | 524   | 416      | 3/1/93                        |
| BC                  | 5,391,251       | 2/21/95  | Shuert             | 156   | 292      | 1/28/92                       |
| BD                  | 5,401,347       | 3/28/95  | Shuert             | 156   | 245      | 12/18/92                      |
| BE                  | 5,404,829       | 4/11/95  | Shuert             | 108   | 51.1     | 5/21/91                       |
| BF                  | 5,408,937       | 4/25/95  | Knight, IV et al.  | 108   | 55.5     | 12/10/92                      |
| BG                  | 5,413,052       | 5/9/95   | Breezer et al.     | 108   | 56.1     | 3/29/93                       |
| BH                  | 5,555,820       | 9/17/96  | Shuert             | 108   | 51.1     | 4/24/95                       |
| BI                  | 5,566,624       | 10/22/96 | Brown et al.       | 108   | 51.1     | 8/15/95                       |
| BJ                  | 5,638,760       | 6/17/97  | Jordan et al.      | 108   | 51.1     | 7/1/96                        |
| BK                  | 5,648,031       | 7/15/97  | Sturtevant et al.  | 264   | 80       | 7/28/94                       |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|-----------------|------|---------|-------|----------|-----------------------|
| BL              |      |         |       |          |                       |
| BM              |      |         |       |          |                       |
| BN              |      |         |       |          |                       |
| BO              |      |         |       |          |                       |
| BP              |      |         |       |          |                       |

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |  |   |
|----|--|---|
| BR |  | English language version of the abstract for German Patent Document No. DE10024421 downloaded from www.espacenet.com on February 2, 2007. |
| BS |  | Extreme™ Pallet, General Electric Company Publication brochure GID-PAL-120 2 pages.   |
| BT |  | Witt, Clyde E., "Jumping Through Plastic Hoops of Fire", Material Handling Management, October 2002.                                      |

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FORM **PTO-1449**

(Rev. 7-80)

U.S. DEPARTMENT OF COMMERCE

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Scott Arthur William Muirhead

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FILING DATE March 11, 2004 GROUP 3637

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## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE     | NAME                         | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|----|-----------------|----------|------------------------------|-------|----------|-------------------------------|
|                     | CA | 5,676,064       | 10/14/97 | Shuert                       | 108   | 51.1     | 4/24/96                       |
|                     | CB | 5,687,532       | 11/18/97 | Torrey                       | 52    | 656.3    | 5/6/96                        |
|                     | CC | 5,728,424       | 5/17/98  | Walling                      | 427   | 180      | 4/10/96                       |
|                     | CD | 5,758,855       | 6/2/98   | Jordan et al.                | 248   | 346.01   | 11/21/95                      |
|                     | CE | 5,806,436       | 9/15/98  | Weichenrieder, Sr.<br>et al. | 108   | 57.23    | 11/21/97                      |
|                     | CF | 5,834,535       | 11/10/98 | Abu-Isa et al                | 523   | 179      | 12/22/96                      |
|                     | CG | 5,845,588       | 12/8/98  | Gronnevik                    | 108   | 57.27    | 10/30/96                      |
|                     | CH | 5,924,589       | 7/20/99  | Gordon                       | 220   | 23.91    | 7/21/97                       |
|                     | CI | 5,946,878       | 9/7/99   | Grund et al.                 | 52    | 630      | 4/8/98                        |
|                     | CJ | 5,984,126       | 11/16/99 | Gordon                       | 220   | 62.22    | 4/8/98                        |
|                     | CK | 5,989,706       | 11/23/99 | McGinniss et al.             | 428   | 341      | 9/30/98                       |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|-----------------|------|---------|-------|----------|-----------------------|
| CL              |      |         |       |          |                       |
| CM              |      |         |       |          |                       |
| CN              |      |         |       |          |                       |
| CO              |      |         |       |          |                       |
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|---------------------|-----------------|---------|----------------|-------|----------|-------------------------------|
| DA                  | 6,029,583       | 2/29/00 | LeTrudet       | 108   | 57.25    | 7/2/96                        |
| DB                  | 6,095,787       | 8/1/00  | Bills, Sr.     | 425   | 215      | 10/19/98                      |
| DC                  | 6,109,190       | 8/29/00 | Hale et al.    | 108   | 57.25    | 10/19/99                      |
| DD                  | 6,110,559       | 8/29/00 | De Keyser      | 428   | 68       | 9/23/94                       |
| DE                  | 6,184,269       | 2/6/01  | Abu-Isa et al  | 523   | 179      | 7/1/99                        |
| DF                  | 6,357,366       | 3/19/02 | Frankenberg    | 108   | 57.25    | 1/26/00                       |
| DG                  | 6,389,990       | 5/21/02 | Apps           | 108   | 57.25    | 6/25/01                       |
| DH                  | 6,458,232       | 10/1/02 | Valentinsson   | 156   | 182      | 9/9/99                        |
| DI                  | 6,758,148       | 7/6/04  | Torrey et al.  | 108   | 51.11    | 10/26/01                      |
| DJ                  | 6,784,234       | 8/31/04 | Adedeji et al  | 524   | 140      | 10/7/98                       |
| DK                  | 2005/0004281    | 1/6/05  | Adedeji et al. | 524   | 115      | 2/4/04                        |

## FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
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| DL              |      |         |       |          |                       |
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|---------------------|-----------------|----------|----------------|-------|----------|-------------------------------|
| EA                  | 2006/0011108    | 1/19/06  | Abu-Isa et al. | 108   | 57.25    | 7/13/04                       |
| EB                  | 2006/0236903    | 10/26/06 | Moore          | 108   | 57.25    | 3/1/06                        |
| EC                  |                 |          |                |       |          |                               |
| ED                  |                 |          |                |       |          |                               |
| EE                  |                 |          |                |       |          |                               |
| EF                  |                 |          |                |       |          |                               |
| EG                  |                 |          |                |       |          |                               |
| EH                  |                 |          |                |       |          |                               |
| EI                  |                 |          |                |       |          |                               |
| EJ                  |                 |          |                |       |          |                               |
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## FOREIGN PATENT DOCUMENTS

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| EL              |      |         |       |          |                       |
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